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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,349

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Yoshiyuki Koba

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05/22/2008

WENDEROTH, LIND & PONACK, L.L.P.

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EXAMINER

SCHILLER, ALINA

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/578,349	Applicant(s) KOBAYASHI, YOSHIYUKI	
	Examiner ALINA SCHILLER	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neuber, Jr. 5,909,981 in view of Majewski 6,264,397 and Nelson 5,379,479.

Regarding claim 11, Neuber discloses a floor surface finishing device (as seen in Figs. 2, 3, 5) comprising:

a plane leveling machine (16) including a plurality of rotary blades operable to rotate in a propeller manner (col. 1, lines 37-40; 63) by a driving force while maintaining contact with a floor surface (100) to be finished;

a planar finishing blade (30) located at an outer periphery of an area of rotation of said rotary blades (Figs. 5 and 6), said finishing blade being angled upwards toward a center axis of rotation of said rotary blades (Fig. 4, col. 4, lines 44-45; 48-52; col. 5, lines 33-34; 40-41) and operable to contact the floor surface to be finished after said rotary blades have contacted and passed over the floor surface to be finished (Fig. 3), said finishing blade being connected to said plane leveling machine (as seen in Fig. 5; col. 3, lines 21-23; col. 4, lines 20-22) such that said finishing blade is operable to:

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move in directions toward and away from the floor surface to be finished (Fig. 5; if machine changes direction, it will inherently move away from the floor surface to be finished); and

swing around said rotary blades (col. 5, lines 18-22; 27; 38-39; 63-64; col. 6, lines 26; 47); and

a pressing means for pressing said finishing blade against the floor surface to be finished (col. 5, lines 14-24; col. 6, lines 8-12).

However, Neuber fails to disclose that at least a portion of said finishing blade is formed of a flexible elastic plate and the pressing means is a plumb bob.

Majewski teaches a finishing blade made of thin flexible spring steel (col. 2, lines 34-35), which is considered to meet the limitation in claim 8, so as to be capable of being suitably bent (col. 2, lines 35-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Neuber to have at least a part of the finishing blade formed of a flexible elastic plate, similar to that of Majewski, in order to be capable of being suitably bent, as taught by Majewski. Nelson teaches using a plumb bob (28, Fig. 1) to provide all the downward force necessary to the blade (12) (col. 3, lines 4-6). Further, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Neuber as modified by Majewski to use a plumb bob as the pressing means, in order to provide all the downward force necessary to the blade, as taught by Nelson.

Regarding claim 12, Neuber discloses an angle adjusting mechanism for varying an angle of said finishing blade relative to the floor surface to be finished (Fig. 3, col. 5, lines 30-31; 33-44).

Regarding claim 13, Neuber discloses that the finishing blade is detachably connected to said plane leveling machine, since the finishing blade is coupled to the plane leveling machine by a support assembly (col. 4, lines 20-22; as seen in Fig. 5).

Regarding claim 14, Neuber discloses a seat (160, Fig. 5) for supporting an operator, said seat being provided on a part of said plane leveling machine.

Regarding claim 15, Neuber discloses a lifting mechanism for moving said finishing blade in the directions toward and away from the floor surface to be finished (col. 5, lines 19-23; 25-27; 38; 63-64; col. 6, lines 47-48).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neuber, Jr. 5,909,981 in view of Majewski 6,264,397 and Nelson 5,379,479, as applied to claim 11 above, and further in view of Dening 2,900,883.

Regarding claim 16, Neuber discloses a device as previously set forth, further comprising a connecting member for connecting said finishing blade to said plane leveling machine (as seen in Fig. 5), said connecting member being pivotally connected to said plane leveling machine so as to allow said finishing blade to swing around said rotary blades (col. 5, lines 18-22; 27; 38-39; 63-66; col. 6, lines 1-26; 47). However, Neuber fails to disclose that the finishing blade swings in a plane parallel to a plane including the area of rotation of said rotary blades. Dening teaches that it is old and well known in the art to have an apparatus for leveling and smoothing a floor surface (col. 1,

lines 15-17) having a finishing blade (29, 30, Figs. 1, 3) with means for swinging the finishing blade in a plane parallel to a plane including the area of rotation of the rotary blades (18) in order to produce perfect leveling of the ground surface (col. 2, lines 31-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of the combination above to include means for swinging the finishing blade in a plane parallel to a plane including the area of rotation of said rotary blades, similar to that of Dening, since this type of movement is old and well known in the art, in order to produce perfect leveling of the ground surface, as taught by Dening.

Response to Arguments

Applicant's arguments filed on 2/21/2008 have been fully considered but they are not persuasive. In response to Applicant's argument (claim 7) that the finishing blade is not rotatable around the rotary blades, this has been described in the first office action. Since the Applicant did not specify in which direction the finishing blade rotates around the rotary blades, the finishing blade of Neuber rotates or swings in a vertical plane around the rotary blades.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA SCHILLER whose telephone number is (571)270-3088. The examiner can normally be reached on Mon-Fri, 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571)272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas B Will/
Supervisory Patent Examiner
Art Unit 3671

AS
05/12/2008